
Appeal Decision

Site visit made on 13 March 2025

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/P5870W/24/3354599

36 Station Road, Belmont, Sutton SM2 6BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Windcrest (UK) Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref. is DM2024/00380.
 - The development proposed is for the demolition of the existing building and erection of a new part one, part two and part three storey building comprising retail at the ground floor and five residential flats above together with associated private amenity space, car parking, bin and bicycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and erection of a new part one, part two and part three storey building comprising retail at the ground floor and five residential flats above together with associated private amenity space, car parking, bin and bicycle storage at 36 Station Road, Belmont, Sutton SM2 6BS in accordance with the application Ref. DM2024/00380, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appellant has submitted revised plans within the grounds of appeal to further demonstrate the impact of the scheme in respect of living conditions, and showing amendments to the east elevation. The alterations are relatively minor in nature, and the Council has had the opportunity to comment on the material as part of the appeal process. Consequently, I am of the view that no party would be prejudiced by my consideration of the appeal on the basis of the additional plans.

Main Issues

3. These are the effect of the proposal on a) the character and appearance of the surrounds, including the adjacent Areas of Special Local Character (ASLCs); b) the living conditions of the occupants of California Close with regard to privacy; and c) protected trees.

Reasons

Character and appearance

4. The appeal site is a detached, single-storey building currently used as a car showroom, near the junction of Station Road and Queens Road. The area on and around the junction is mixed in nature, comprising commercial outlets, a church and war memorial, both of which are grade II listed. There are also residential properties with terraced and semi-detached houses, flats above the shops and apartment blocks. There is no prevailing architectural style within the high density, urban environment, which is distinguished by buildings of differing age, size, design, detailing and external materials. Taken in the round, these characteristics demonstrate the variation in built form within the street scene and such differences add to the visual interest of the area.
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5. The National Planning Policy Framework (the Framework) states at paragraph 135 that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this respect, I acknowledge that the land lies adjacent to, but not within, ASLCs to the north and south, and is also in a prominent position that requires a sensitive approach. However, to my mind the proposed building would neither be awkward, discordant or contrived in its scale and design, nor would it represent an over-development of the site.
6. More specifically, the Council considers that the height of the building and the asymmetrical gable elements on the front elevation would be out of keeping within the setting. Nonetheless, I noted at my visit that there are myriad gable features in the immediate neighbourhood of varying style and form, and in this context I am satisfied that that scheme would assimilate with the locale. I understand that the development would be taller than those in the surrounds, however this would be marginal and the ridge line analysis plan demonstrates that there is a general increase in the height of buildings from east to west along this side of Station Road; the scheme would be in keeping with this pattern.
7. The Authority also states that due to the number of openings in the east side elevation the resulting proportion or ratio of solid wall to window would fail to reflect buildings within the locality. I disagree; to my mind the elevation appears balanced and appropriate for the secondary frontage. All in all, within the context of the neighbourhood I do not consider that the dimensions and general design ethos would be at odds with the multifaceted character of the locality.
8. I therefore conclude that the proposal would not result in an adverse impact upon the character and appearance of the surrounds, including the adjacent ASLCs. It would meet with Policies 13 and 28 of the Sutton Local Plan 2018 (LP), and the Council's Creating Locally Distinctive Places Supplementary Planning Document 2008 (SPD), which expect new development to be of an acceptable scale and appearance to reflect and respect the existing setting and local context.

Living conditions

9. At its closest point, the flank wall of the scheme would lie some 8 metres from the apartment building on California Close to the east. Although the proposed elevation would contain a number of windows in broad alignment with those opposite, the plans indicate that the closest windows would be installed with mitigation such as obscure glazing and non-opening casements.
10. As such, whilst the new windows would be seen in views from the adjacent flats, I am satisfied that such measures would minimise the potential for privacy loss to the adjacent properties. Although evident from the habitable rooms of California Close, the new openings are unlikely to result in a sense of overlooking sufficient to harm living conditions. I am also mindful an urban area such as this, it would not be uncommon to be able to see the windows of other local buildings from internal accommodation.
11. Accordingly, the scheme would not have a material effect upon the living conditions of the occupants of California Close with regard to privacy. It would be compatible with Policy 29 of the LP, which seeks to ensure development does not materially harm amenity.

Protected trees

12. The protected trees lining the western border on the common boundary with the war memorial and garden form an important part of the area's character. The development does not propose the removal of any trees, though there would have to be some pruning to facilitate construction. While the Council's stance suggests concern over the effect of the development, primarily on the crown of tree T4, there is nothing to suggest that the long

term health of this tree would be at risk, particularly if the proposed tree protection measures proposed are implemented. This can be addressed by condition.

13. I recognise that both seasonal leaf drop can be a source of inconvenience. However, the management of such matters would be no different to that of many other developments or dwellings that are located close to trees, whether protected or not. I see nothing unusual in this case that would suggest seasonal leaf drop or other perceived nuisance would give rise to a sustainable reason to heavily, or unacceptably, prune or fell the trees. Moreover, no substantive evidence has been provided to suggest that such issues have led to any harm to protected trees within the local authority area.
14. The flats at first and second floor level would be set back sufficiently far from the trees to ensure that there would be no harmful effect on internal living conditions which might justify removal at a later date. Indeed, the appellant has submitted details confirming that the proximal habitable accommodation would receive daylighting in excess of BRE illumination levels. Moreover, it is not unusual to have gardens with trees within them or on the boundary, and it is not automatic that future occupants would wish to remove them. In my view it is likely that retaining trees around the site would enhance the quality of the environment to an extent, providing screening of the busy Queens Road.
15. Taking all relevant matters into account, I am satisfied that the development would not result in undue pressure to unacceptably prune or remove protected trees, and that the works required would not result in unacceptable risks to their long term health. Accordingly, the scheme would be in compliance with Policy G7 of the London Plan 2021 and Policy 28 of the LP.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials to be submitted would provide for a satisfactory appearance.
17. Conditions relating to on-site renewables and construction in accordance with the Energy Statement would enable the development to actively contribute to the reduction of carbon dioxide emissions; I am satisfied that details of the solar panels and heat pumps can be submitted prior to the occupation of the scheme. A drainage condition is required to prevent flooding and ensure surface water is disposed of appropriately. Sound insulation measures, limits to noise emitted from fixed plant and equipment and restricting the hours of operation of the commercial outlet would protect residential amenities.
18. The submission of a construction management plan would control site operation both in the interests of the living conditions of adjacent occupants and highway safety. It is necessary to impose conditions concerning potential land contamination to minimise the impact on the local environment and those in relation to car parking, cycle storage and refuse would ensure the provision and retention of such facilities on site.

Conclusion

19. Having regard to the above and all other issues, the appeal is successful.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0593-000.01-Rev B, 0593-100.01-Rev A, 0593-100.03-Rev L, 0593-100.04- Rev J, 0593-100.05-Rev J, 0593-100.06-Rev H, 0593-300.01, 0593-300.02, 0593-300.03, 0593-300.04, 0593-300.11-Rev M, 0593-300.12-Rev M, 0593-300.13-Rev J, 0593-300.14- Rev K, 0593-300.17-Rev J, 0593-300.18-Rev J, 0593-300.19a-Rev A, 0593-300.20-Rev B, 0593-300.21-Rev F, 0593-300.22-Rev B, 0593-300.23-Rev B, 0593-400.11-Rev G, 0593-400.12-Rev F, 0593-600.01-Rev B, 0593-800.01.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) Prior to the first occupation of the development, details of the proposed solar PV arrays must be submitted to and approved in writing by the Local Planning Authority, including:
 - (i) a plan showing the number and orientation of the solar PV panels proposed for each dwelling and the total area of each array;
 - (ii) product specifications including the power output of each panel and maintenance requirements; and
 - (iii) confirmation of the annual amount of electricity expected to be generated and associated CO2 savings.

The solar PV arrays shall thereafter be installed prior to the first occupation of the development and retained in accordance with the approved details.

- 5) Prior to the first occupation of the development details of the proposed air source heat pump (ASHP) units must be submitted to and approved in writing by the Local Planning Authority, including:
 - (i) the sizing, positioning and orientation of the proposed ASHP units;
 - (ii) specifications and an estimate of the heat energy the ASHP will provide to the development and the electricity required for this purpose;
 - (iii) the expected heat source temperature and the heat distribution system temperature; and
 - (iv) if necessary, revised calculations demonstrating the CO2 savings expected to be achieved.

The ASHP units shall thereafter be installed prior to the first occupation of the development and retained in accordance with the approved details.

- 6) The development hereby approved shall be constructed in accordance with the approved Energy Statement prepared by Achieve Green Ltd and dated 4 March 2024. Prior to first occupation of the development, 'as-built' Standard Assessment Procedure (SAP) and Standard Building Energy Model (SBEM) outputs shall be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has achieved the targeted reduction in CO2 emissions. All of the approved measures shall thereafter be retained.

- 7) The development hereby approved shall be constructed in accordance with the approved Drainage Strategy prepared by Elliott Wood Ltd and dated 4 March 2024. Prior to first occupation of the development, written confirmation that the approved SuDS measures 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 be retained thereafter.
- 8) Prior to the occupation of the development confirmation shall be provided to the Local Planning Authority for its written approval that the enhanced sound insulation measures, vibration isolation and flanking transmission works as described in para 7.0 of the NSL Limited Sound Insulation Report ref: 89809 dated 29th February 2024 have been completed. Once agreed in writing by the Local Planning Authority the approved works shall be retained thereafter.
- 9) The rating level of any noise emitted from fixed plant and equipment permitted as part of this development shall not exceed L_{Ar},1hour 39dB during the day and L_{Ar},15mins 30dB at night. The noise levels shall be measured or calculated 1m externally to any window at the nearest residential facade. Measurements and assessments shall be made according to British Standard BS4142:2014.
- 10) The ground floor commercial premises shall not be used by the public for the purposes hereby permitted before 7am and after 11pm Monday to Sunday.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of noise, dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours; and site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 12) No development shall commence (excluding demolition), until such time as a contaminated land assessment and associated remediation strategy based on a Phase 2 intrusive investigation, focused on the areas of concern highlighted in the Phase 1 Report, has been submitted to and agreed in writing by the Local Planning Authority. Any remediation works identified in this assessment shall be completed on site, in accordance with a quality assurance scheme agreed as part of the contaminated land assessment. On completion of the agreed remediation works, a closure report and certificate of compliance shall be submitted to the Local Planning Authority.
- 13) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.
- 14) Prior to the occupation of the development hereby approved, full details of the retail and residential parking spaces 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. The parking areas shall be used and permanently retained exclusively for their designated purpose.

- 15) Prior to occupation of the development, details of 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.
- 16) Prior to occupation of the development hereby approved, full details of a refuse and recycling area 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.